

**MEMO ENDORSED**

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

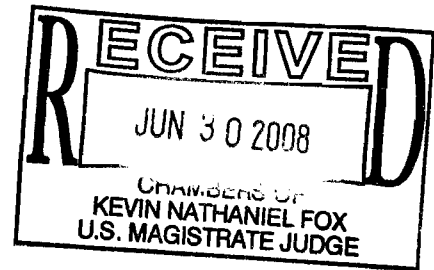
ANDREW M. CUOMO  
Attorney General

CRIMINAL DIVISION  
FEDERAL HABEAS CORPUS SECTION

(212) 416-6173

June 27, 2008

Hon. Kevin N. Fox  
United States Magistrate Judge  
United States District Court  
for the Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 540  
New York, NY 10007



Re: Hector Rincon v. Warden, 08 Civ. 3776 (JSR) (KNF)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced matter. By Order dated May 23, 2008, Your Honor directed respondent to file a response to the above-referenced petition by June 30, 2008.

Although my office promptly ordered the state court records, we only received the trial transcript last week. I have not had an opportunity to review the state court records and the transcripts to make sure that they are complete, and brief the pertinent issues for Your Honor's consideration. At present, I have been assigned eight other active federal habeas corpus matters, and I have been directed to file responses in four of these matters by the end of July 2008. In addition, I have been directed to file a post hearing memorandum of law by July 2, 2008. In mid-August through Labor Day, I have a family vacation planned with my seven year old son out of state. For these reasons, I respectfully request an enlargement of time until September 25, 2008.

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Mr. Rincon is incarcerated, and I have not spoken to him regarding this request for an enlargement of time. This is the first request for an extension of time in this matter.

Although respondent is requesting an enlargement to September 25, 2008 to file a response, if a response can be filed earlier, it will be.

Thank you for your consideration.

Respectfully submitted,



Thomas B. Litsky (TL-89760)  
Assistant Attorney General  
120 Broadway  
New York, NY 10271

cc: Hector Rincon  
05-A-1835  
Woodbourne Correctional Facility  
Riverside Drive  
Woodbourne, New York 12788

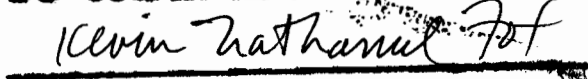
6/30/08

*Application granted.*

*On or before September 25, 2008,  
the respondent shall serve and  
file an answer to the petition.*

*On or before October 27, 2008,  
the petitioner shall serve and  
file any reply.*

**SO ORDERED:**

  
**Hon. Kevin Nathaniel Fox**  
**United States Magistrate Judge**